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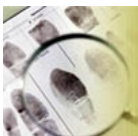
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wehochamber.com**Smoking Bans March On With Varying Success**

01/09/2010

Thursday, January 7, 2010 - By WeHo News Staff, West Hollywood

West Hollywood, California (January 7, 2010) - West Hollywood's proposed ban stands not only as a late-comer, but more draconian than most, after a review of LA County outdoor smoking bans.

The WeHo bill's authors, trying to handily cut the Gordian Knot of issues presented by opponents of the ban, asserted it should apply citywide, prohibiting cigarette smoking "in" all public outdoor areas, including sidewalks and alleyways, along with restaurants and nightclubs their resolution targeted.

The list of LA County cities that have already banned outdoor smoking includes Glendale, Burbank, Santa Monica, Malibu, Pasadena, Beverly Hills and, still forming their law, Los Angeles, making seven of local note.

Only Glendale among them banned it citywide, however, Glendale found that a strong law combined with weak enforcement netted only 15 tickets in a year's enforcement, according to the city attorney's office, landing the issue back on that community's council agenda later this month for strengthening.

Most of the communities report general satisfaction with their bans, and businesses that complained loudly at first never got traction for their complaints, possibly because of lax regulation or enforcement.



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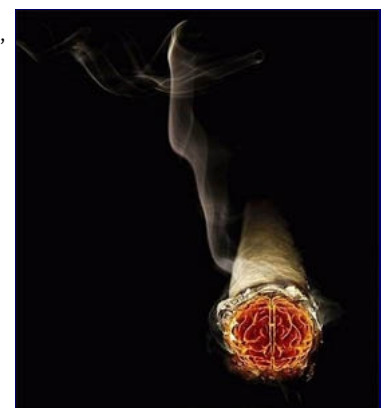
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Casting a cursory gaze out toward the LA County outdoor smoking horizon (becoming easier with every passing law) one can see some aspects all hold in common.

They all protect non-smokers in outdoor dining spaces by forbidding smoking a minimum of 10 feet from the entrances or outdoor eating areas.



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Some force smokers as many as 25 feet away, with 20 feet being most popular and Los Angeles alone is mandating a mere ten feet - or three large strides.

Los Angeles does not, in the bill that came out of the Parks and Recreation Committee and will be heard by the full council later this month, contain a prohibition for nightclubs and bars that serve people over the age of 18.

Most of the cities' discussions around implementing a ban sounded identical to West Hollywood's, take, for example, the following account from a Malibu paper about that council's smoking ban debate.

It reported that one Council member "would not support the ordinance unless it required the implementation of smoking waste receptacles, or freestanding ashtrays, at least 24 feet from business entrances.



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"Councilmember Jefferson Wagner agreed with Barovsky, and said, "Most of the [cigarette] butts will end up in the storm drain. I feel that we do need to provide some kind of receptacle."

"But Malibu City Attorney (and WeHo asst. City Attorney) Christi Hogin disputed that business owners would not be responsible for individuals who littered their cigarettes outside the prohibited smoking area because they would be doing so on public property enforced by Sheriff's deputies.



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"Don't tell me there's going to be a cop there every time someone puts a cigarette out on the street," Barovsky said to Hogin."

Any rule that forced people to step down the street to smoke threatened negative impact on neighboring residents.

In Vermont, one hospital walked back from its smoke-free campus over neighborhood litter problems predicted in West Hollywood.

Rutland Herald reported last year that "the Rutland Regional Medical Center "the hospital made its campus smoke-free... in January...



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"But now visitors, patients and staff have been lighting up on sidewalks near the hospital. Hospital officials say they have received many complaints from staff and community members about the smoking and litter on city streets. So on May 1, the hospital lifted the ban."

Enforcement in various cities is handled by different agencies with different results, with most not so feeble as Glendale's efforts.

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Some seem infeasible; according to that city's web site, "Pasadena, in October 27, 2008, banned smoking in certain outdoor areas, including shopping malls, unenclosed areas of bars and restaurants, service waiting lines (e.g. ATMs, bus stops, etc.) and within 20 feet from them, and within 20 feet of doorways, windows, or ventilation areas of enclosed places where smoking is banned.

"Enforcement of the policies is... by Public Health Department... a complaint-driven process with a telephone number and website for the public to register complaints."

Other enforcement efforts have a "speed trap" feel to them. In Burbank, a much harder enforcement line exists with police issuing 1,363 citations since January 1, 2008 as of early December '09.

But the fines, totaling \$350 for a first offense, got levied overwhelmingly on non-residents. Only "322 were written to Burbank residents," according to testimony by Burbank Police Capt. Janice Lowers; over two thirds went to "guests."

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Capt. Lowers gave her testimony in early December, when, as a Burbank paper reported Burbank, "agreed to explore smoking prohibitions on private property and in common areas of multifamily buildings. The proposals... could bar smoking at swimming pools, yard areas and private balconies and patios.

Burbank Vice Mayor Anja Reinke characterized the proposed restrictions at condominiums and apartment buildings as a 'logical, incremental step.'

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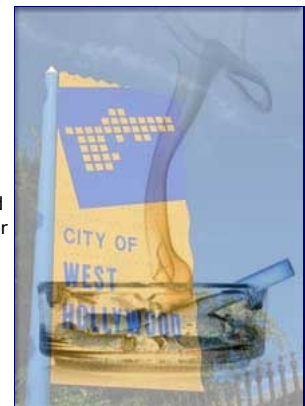
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"In all, the new laws could ban smoking at more than 400 private-parking structures and about 22,000 multifamily residential units, said Terre Hirsch, assistant community development director and administrator of license and code services."

Not all cities work with such fervor based only in accepted wisdom and community mores - some want hard scientific evidence before acting.

In December, the Athens-Clarke, Georgia, Commission, despite passing a partial indoor smoking ban in 2004 and a total ban in 2005, declined to extend the ban outdoors for want of any hard evidence, despite seeing the first ever study of outdoor second hand smoke done - by a hometown professor.

University of Georgia Athens researchers, led by Luke Neaheer, showed their ability to detect levels of second hand smoke in non-smokers in outdoor smoking areas of bars and restaurants in a study done in Athens after the indoor smoking ban.



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The study was designed to show that levels of a nicotine by-product can be measured, Mr. Naeher told WeHo News in a phone interview.

He conducts second hand smoke research around the world for the United Nations.

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Nothing in his study claimed that non-smokers mingling with smokers in outdoor cafes and patios was in itself hazardous, he acknowledged.

He plans to conduct a study in the spring to address the risk that level; of second hand smoke presents.

Much work has been done quantifying risk levels indoors, all pointing to health risks closely associated with second hand smoke, but are the levels in outdoors spaces sufficient to cause a practicable risk?

"The question is, is it an environment that warrants concern or further study?" the environmental health science professor asked.
"The answer is, we don't know yet."

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Next Week: The UGA Study Deconstructed - also - Push Back On Smoking Ban

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